THIRD DIVISION

[A.M. No. P-09-2700 (FORMERLY OCA I.P.I. No. 08-2976-P), November 15, 2010]

ATTY. NOREEN T. BASILIO, CLERK OF COURT, COMPLAINANT, VS. MELINDA M. DINIO, COURT STENOGRAPHER III, BRANCH 129, REGIONAL TRIAL COURT, CALOOCAN CITY, RESPONDENT.

D E C I S I O N

BRION, J.:

In a Report dated August 11, 2008,[1] Atty. Noreen T. Basilio (*Atty. Basilio*), Clerk of Court of Branch 129, Regional Trial Court (*RTC*), Caloocan City, accused Court Stenographer Melinda M. Dinio (*Dinio*) of disrespectful conduct and insubordination due to the latter's refusal to remit to the Office of the Clerk of Court (Caloocan City) a portion of the amount of three hundred pesos (P300.00) she received as payment for a copy of her stenographic notes.

According to Atty. Basilio, as testified to by Court Aide Teodorico B. Ibas (*Ibas*)[2] and Court Stenographer Evelyn R. Santander (*Santander*),[3] Atty. Jobert Pahilga (*Atty. Pahilga*) came into their office on July 30, 2008, at around 9:30 in the morning. He approached stenographers Dinio and Santander and requested for a copy of the stenographic notes taken at the hearings of his case. Atty. Pahilga paid them the amount of five hundred pesos (P500.00); two hundred pesos (P200.00) to Santander and three hundred pesos (P300.00) to Dinio, with the request that the transcripts be made available before his next scheduled hearing.

After Atty. Pahilga left the office, Atty. Basilio advised the stenographers to remit a portion of the amount they received to the Office of the Clerk of Court, in compliance with Section 11, Rule 141 of the Rules of Court,[4] and Administrative Matter (*A.M.*) No. 04-2-04-SC.[5] Dinio, in an angry tone, protested: *"wala akong pera, wala namang nakakita ah, niyayari ko pa nga yan sa bahay, ako gumagastos, ako nagbabayad ng kuryente at ilaw."*(I don't have any money. Besides, no one saw it. I finished them at home, spending my own money to pay for electricity.) Atty. Basilio retorted that she was witness to the payment by Atty. Pahilga, and told her that there was no reason for her not to remit the money considering that the other stenographers were remitting the payments made to them. Furious with Atty. Basilio's comments, Dinio - pointing at the judge's chambers - shouted at her, *"eh di magsumbong ka, pumasok ka dun! Ngayon na!"* (I don't care if you report me. Go there! Now!). Atty. Basilio was stunned by Dinio's reaction and was rendered speechless.

Hours after the incident, Atty. Basilio reported the matter to Hon. Thelma C. Trinidad-Pe Aguirre (*Judge Pe Aguirre*), the Presiding Judge of Branch 129. Judge Pe Aguirre called for a meeting the next day to remind the office staff to observe

administrative rules and regulations. Atty. Basilio noticed that after the meeting, Dinio did not even express any remorse on how she had treated her. Nor did Dinio ever remit the money paid to the Office of the Clerk of Court.

In her Comment,[6] Dinio admitted the truth of her alleged verbal statement that she transcribes her stenographic notes at home. She explained that due to the heavy workload in their branch - consisting of attending hearings of cases, transcribing stenographic notes, and typing the drafts and final copies of orders and decisions issued by the court - she had to bring work home every night and finish the transcripts in the wee hours of the morning to prevent the accumulation of pending notes for transcription. In order to offset the expenses of doing her work at home and to buy things she regularly needs for her work, such as a tape recorder, blank tapes and batteries, she charges the requesting parties the amount of ten pesos (P10.00) per page of the transcript of stenographic notes (*TSN*), which is the amount prescribed under the Rules of Court and by A.M. No. 04-2-04-SC.

Dinio added that she has been working with the court for almost fifteen (15) years and it is only now that someone filed a complaint against her. She supposed that Atty. Basilio's allegations resulted from a misunderstanding as the latter was new and could have not been that acquainted with how people in the office often joked around and how these jokes are not to be taken seriously. Atty. Basilio could have misinterpreted her words, said in jest, as acts of insubordination.

From a review of the case records, the Office of the Court Administrator (*OCA*) found Dinio liable for disrespectful conduct and violation of Section 14, Rule 136 and Section 11, Rule 141 of the Rules of Court (*Rules*) for the non-remittance of payment of TSN. While the offense committed by Dinio carries a penalty of suspension from one (1) month and 1 day to six (6) months, the OCA deemed it reasonable and sufficient to recommend the imposition of a fine of five thousand pesos (P5,000.00) in order not to hamper office operations. The OCA also recommended that Dinio be given a stern warning that a repetition of the same or similar act shall be dealt with more severely.

In a Resolution dated October 23, 2009,[7] this Court ordered the redocketing of the instant complaint as a regular administrative matter and required the parties to manifest their willingness to submit the matter for resolution within ten days from notice, based on the pleadings already filed.

For failure of both parties to file their manifestation, this Court, in another Resolution,[8] required them to show cause why they should not be disciplinarily dealt with, or held in contempt, and to comply with its order within ten (10) days from notice.

In a letter dated August 31, 2010,[9] Mr. Nestor G. Dela Cruz (*Dela Cruz*), Officer-in-Charge of Branch 129, RTC Caloocan City, informed this Court that their office had received a letter-envelope addressed to Atty. Basilio, containing a notice of this Court's resolution dated July 28, 2010. As Atty. Basilio was no longer connected with their office as of December 2008, and upon the instructions of Judge Pe-Aguirre, Dela Cruz advised her of the notice, by mobile phone; she responded by indicating her intent to secure a copy of the "show cause" resolution.